

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

<b>DOROTHY LaFORTUNE,</b>	)	
	)	
<b>PLAINTIFF</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL No. 01-250-P-H</b>
	)	
<b>CITY OF BIDDEFORD, ET AL.,</b>	)	
	)	
<b>DEFENDANTS</b>	)	

**ORDER**

On May 29, 2002, I issued an Order To Show Cause why I should not dismiss this lawsuit as moot, or at least temporarily stay further proceedings in the lawsuit. Both parties responded in writing and then argued their positions before me at a hearing on June 7, 2002. The reason for my concern in proceeding any further at this point is that Biddeford's public access channel has been suspended. See Rhames v. City of Biddeford, No. Civ. 02-112-P-H, 2002 WL 1042173, at \*\*1-2 (D. Me. May 24, 2002). I am concerned, therefore, that any order I might enter in this case concerning Ms. LaFortune's access to that channel would be pointless. Federal judges are not supposed to issue decisions about matters that are not live cases or controversies. Arizonans for Official English v. Arizona, 520 U.S. 43, 64, 67 (1997). Ms. LaFortune argues that her case is not moot because one of the council votes she is challenging, Order No. 2001.94, has not been rescinded and "directs the Public Access Director to ban [her] access to

the Public Access Channels or studio and that there be no rebroadcast of Maine Forum videos for a minimum period of one year.” Biddeford responds that there is no public access channel at the moment for her to be banned from, and that we cannot know whether the City Council ultimately will vote to terminate the channel permanently or, if it votes to reinstate such a channel, what the rules will be, and that therefore any ruling on this “controversy” may turn out to be a ruling on something that never exists.

I am satisfied that at this date I do not know what Biddeford will do. Some things it might do would moot the controversy. Other things might not. I decide the only appropriate measure at this stage is to **STAY** the lawsuit. Counsel shall report to the Court every sixty (60) days on the status of what Biddeford has done concerning the public access channel. If at some point I am not satisfied that Biddeford is pursuing expeditiously a determination of what its public access channel policy is, I will lift the stay and decide how to resolve the case substantively.

**So ORDERED.**

**DATED THIS 10TH DAY OF JUNE, 2002.**

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**D. BROCK HORNBY**  
**UNITED STATES CHIEF DISTRICT JUDGE**

U.S. District Court  
District of Maine (Portland)  
Civil Docket For Case #: 01-CV-250

DOROTHY LAFORTUNE  
plaintiff

DAVID A LOURIE, ESQ.  
LAW OFFICE OF DAVID LOURIE  
189 SPURWINK AVENUE  
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v.

BIDDEFORD, CITY OF  
defendant

HARRY B. CENTER, II, ESQ.  
SMITH, ELLIOTT, SMITH &  
GARMEY, P.A.  
PO BOX 1179  
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BIDDEFORD, MAYOR OF  
defendant

HARRY B. CENTER, II, ESQ.  
(See above)